

UNITED STATES DISTRICT COURT
Eastern District of New York

UNITED STATES OF AMERICA

- v -

TRAVIS CHINAPEN

Defendant

Case No.: 2:24 - cr - 00373 - JS

STANDARD PLEA FORM

INSTRUCTIONS:

The following are a series of questions that Judge Joanna Seybert, Senior United States District Court Judge, requires the parties to answer to help ensure that the defendant's guilty plea will be valid. The parties are obligated to read and complete **ALL** the questions below **BEFORE** appearing for the Plea Hearing. **NO QUESTION CAN REMAIN BLANK.**

The Government **MUST ANSWER** questions **1 THROUGH 6** (*at pages 2 and 3*) **BEFORE** the defendant and defense counsel complete the remainder of the form (*beginning at page 4*).

Unless otherwise stated after the question, any questions that the defendant answers "NO" to will be addressed in open court by the presiding judge.

Upon completion of this form, **ALL** parties must sign the signature page (*at page 9*) and submit it to the presiding judge's Courtroom Deputy at least **ONE BUSINESS DAY BEFORE** the Plea Hearing. During the proceeding, the presiding judge may review this form with the parties, which may include asking some, or all, of these questions again requiring verbal responses from each of the parties being addressed.

At the beginning of the proceeding, the defendant will be sworn in. Once sworn in, the defendant's answers to the questions will be subject to the penalties of perjury, or of making false statements, if the defendant does not answer truthfully. If the defendant does not understand any of the questions, the defendant must bring that to the judge's attention and the question will be reworded until the defendant understands it. If the defendant would like to confer with defense counsel before answering any of the questions, the defendant must bring that to the judge's attention and the judge will give the defendant that opportunity.

NOTE: If the Plea Hearing is being held before a **United States Magistrate Judge**, and that judge finds that the defendant's guilty plea is valid, a **recommendation** will be made to Judge Seybert that the guilty plea should be accepted. Judge Seybert will then review the transcripts of the Plea Hearing and, if deemed acceptable, will issue an order accepting the defendant's guilty plea.

TO THE GOVERNMENT:

(1) Which count, or counts, will the defendant be pleading guilty to?

Count(s) 1 of the ☐ Superseding ☐ Information ☒ Indictment.

(2) What are the elements of the crime, or crimes, that the defendant is charged with?

(Please print clearly and legibly.)

- 1) an agreement between two or more people to possess and distribute with intent to distribute controlled substances
- 2) the defendant knowingly and willfully became a member of that conspiracy

(3) What are the maximum penalties for each count that the defendant will be pleading guilty to?

(For multiple counts with varying penalties, fill-in the following as needed.)

(3.1) The maximum penalty under Count 1 is 40 ☐ months ☒ years imprisonment with a 4 year term of Supervised Release to follow, plus a fine of \$ 5M.

(3.2) The maximum penalty under Count _____ is _____ ☐ months ☐ years imprisonment with a _____ year term of Supervised Release to follow, plus a fine of \$ _____.

(3.3) The maximum penalty under Count _____ is _____ ☐ months ☐ years imprisonment with a _____ year term of Supervised Release to follow, plus a fine of \$ _____.

(3.4) The maximum penalty under Count _____ is _____ ☐ months ☐ years imprisonment with a _____ year term of Supervised Release to follow, plus a fine of \$ _____.

(3.5) The maximum penalty under Count _____ is _____ ☐ months ☐ years imprisonment with a _____ year term of Supervised Release to follow, plus a fine of \$ _____.

(4) If this case went to trial, what evidence of the crime, or crimes, that the defendant is charged with would be presented to the jury?
(Please print clearly and legibly.)

- defendant on video selling fentanyl
- NYPD lab results showing drugs were fentanyl
- defendant admissions
- seized drugs from defendant home

(5) What agreement, if any, does the Government have with the defendant concerning the guilty plea and sentence?
(Please print clearly and legibly.)

Plea agreement - 63 months is appropriate waiver

(6) What is the waiver of appeal, or other waiver of rights, included in the plea/cooperation agreement?
(Please print clearly and legibly.)

- 63 months

TO DEFENSE COUNSEL:

(7) Do you have any doubt as to the **defendant's competency** to understand what will take place during the Plea Hearing or the defendant's ability to plead guilty?

(If you select "Yes", stop and contact the Court immediately.)

YES _____ NO ☒ _____

(8) Do you know any **legal reason** why the defendant should not plead guilty?

(If you select "Yes", stop and contact the Court immediately.)

YES _____ NO ☒ _____

(9) Have you **reviewed the following with the defendant**: 1) this plea form, 2) the plea/cooperation agreement, and 3) the effects of what pleading guilty will have on the defendant going forward if the plea is accepted?

(If you select "No", stop and contact the Court immediately.)

YES ☒ _____ NO _____

(10) Do you believe that the **defendant understands all the rights that will be waived** by pleading guilty?

(If you select "No", stop and contact the Court immediately.)

YES ☒ _____ NO _____

TO THE DEFENDANT:

(11) Once you are **sworn in**, the answers to the following questions will be subject to the **penalties of perjury**, or of making false statements, if you do not answer them truthfully. If you do not understand any of the questions, during the Plea Hearing, please say so and the question will be reworded until you understand it. Also, if during the proceeding you would like to confer with your attorney before answering any of the questions, please say so and you will be given that opportunity. Do you understand that?

YES ☒ _____ NO _____

(12) What is your full name? (First, Middle, Last) _____

TRAVIS ANTHONY CHILWORTH

(13) How old are you? _____

36

(14) What is the highest schooling or education you have? _____

HIGH SCHOOL

(15) Are you a citizen of the United States?

(If you select "Yes", answer question 16. If you select "No", proceed to question 17.)

YES ☒ _____ NO _____

(16) Are you a **naturalized citizen** of the United States?

(If you select "Yes", answer questions 16.1, 16.2, and 16.3. If you select "No", proceed to question 17.)

YES ☒ _____ NO _____

(16.1) Have you **discussed** with your attorney whether your guilty plea will have any effect on your ability to **remain in this country**?

YES ☒ _____ NO _____

(16.2) Do you understand that as a **naturalized citizen**, by pleading guilty to the crime, or crimes, (as described in question 2), you could be subject to a **denaturalization proceeding** and **potential removal** from the United States?

YES ☒ _____ NO _____

(16.3) Are you satisfied that you **understand** the effect that your guilty plea may have on your right to **remain in this country** after you serve any sentence imposed by the Judge Seybert?

YES ☒ _____ NO _____

(17) Are you presently, or have you been recently, under the care of a physician or psychiatrist?

(If you select "Yes", the Court may inquire further in open court.)

YES ☒ NO ☐

(18) Have you recently taken any narcotic drugs, medicine or pills, or drunk any alcoholic beverage that may impair your ability to understand what will happen during the Plea Hearing?

(If you select "Yes", the Court may inquire further in open court.)

YES ☐ NO ☒

(19) Have you ever been hospitalized or treated for narcotic addiction?

(If you select "Yes", the Court may inquire further in open court.)

YES ☒ NO ☐

(20) Is your mind clear so that you will be able to understand what will happen during the Plea Hearing?

YES ☒ NO ☐

(21) Have you discussed with your attorney the elements of the crime, or crimes, (as described in question 2) that you intend to plead guilty to?

YES ☒ NO ☐

(22) Do you understand the elements of the crime, or crimes, (as described in question 2) that you intend to plead guilty to?

YES ☒ NO ☐

(23) You have a right to plead NOT GUILTY. Do you understand that?

YES ☒ NO ☐

(24) If you plead not guilty, under the Constitution of the United States, you are entitled to a speedy and public trial by a jury on the charge, or charges, against you and you are entitled to have the assistance of counsel, which need not be your current attorney. Do you understand that?

YES ☒ NO ☐

(25) At trial, you would be presumed to be innocent. The Government would have to overcome that presumption and prove you guilty by competent evidence (as described in question 4) and beyond a reasonable doubt. If the Government fails to do that, the jury would have the duty to find you not guilty. You would not have to prove to the jury that you are innocent. Do you understand that?

YES ☒ NO ☐

(26) At trial, witnesses for the Government will have to testify in your presence and your attorney will have the right to cross-examine them on their testimony. Your attorney will be able to object to evidence offered by the Government and to offer evidence on your behalf. Do you understand that?

YES ☒ NO ☐

(27) At trial, you have the right to testify if you choose to do so, however, you are not required to testify. Under the Constitution of the United States, you cannot be compelled to incriminate yourself. If you do not to testify, Judge Seybert would instruct the jury that they could not hold that against you. Do you understand that?

YES ☒ NO ☐

(28) If you plead guilty, you will be giving up your constitutional rights to a trial by a jury. There will be no further trial of any kind. You will not have right to appeal, or collaterally attack, the question of whether you are guilty. Judge Seybert will impose a sentence based on your guilty plea and a judgment of guilty will be entered, which can never be challenged or appealed. Do you understand that?

YES ☒ NO ☐

(29) At sentencing, Judge Seybert must consider the following statutory factors listed in Title 18, United States Code, Section 3553(a) of the Federal Criminal Code and Rules:

The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph 2 of this subsection. The court, in determining the particular sentence to be imposed, shall consider:

- (1) *the nature and circumstances of the offense and the history and characteristics of the defendant,*
- (2) *the need for the sentence imposed:*
 - (A) *to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense,*
 - (B) *to afford adequate deterrence to criminal conduct,*
 - (C) *to protect the public from further crimes of the defendant, and*
 - (D) *to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner,*
- (3) *the kinds of sentences available,*
- (4) *the kinds of sentence and the sentencing range established for:*
 - (A) *the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines:*
 - (i) *issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress, and*
 - (ii) *that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or*
 - (B) *in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code, taking into account any amendments made to such guidelines or policy statements by act of Congress,*
- (5) *any pertinent policy statement -*
 - (A) *issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress, and*
 - (B) *that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.*
- (6) *the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct, and*
- (7) *the need to provide restitution to any victims of the offense.*

Has your attorney explained these factors listed in Title 18, United States Code, Section 3553(a) to you?

YES ☒ NO ☐

(30) At sentencing, Judge Seybert must also consider the applicable guideline imprisonment range calculated from the United States Sentencing Guidelines Manual. However, imposing a sentence within that range **IS NOT MANDATORY** and a sentence can be imposed either above or below that range. Judge Seybert must also consider your cooperation if the Government submits a Motion for Downward Departure pursuant to Section 5K1.1 of the guidelines. Do you understand that?

YES ☒ NO ☐

(31) At sentencing, Judge Seybert may impose the **maximum penalties and fines** (as described in question 3) on each count you plead guilty to. Do you understand that?

YES ☒ NO ☐

(32) At sentencing, Judge Seybert will impose a **mandatory \$100.00 SPECIAL ASSESSMENT** fine that you must pay for each count you plead guilty to. Do you understand that?

YES ☐ NO ☒

(32.1) **FOR CORPORATE DEFENDANTS ONLY:** At sentencing, Judge Seybert will impose a **mandatory \$400.00 SPECIAL ASSESSMENT** fine that you must pay for each count you plead guilty to. Do you understand that?

YES ☐ NO ☐

(33) At sentencing, Judge Seybert may order **RESTITUTION** to be paid to any victims of the crime, or crimes, you plead guilty to. Do you understand that?

YES ☒ NO ☐

(34) At sentencing, Judge Seybert may order the **FORFEITURE** of money and/or property seized as part of the crime, or crimes, you plead guilty to. Do you understand that?

YES ☒ NO ☐

(35) If the sentence imposed by Judge Seybert is more severe than you expected, you will be bound by your guilty plea and **will not be permitted to withdraw it**. Do you understand that?

YES ☒ NO ☐

(36) If you plead guilty, you will be **bound by the agreement** you have with the Government and any **waiver of appeal or other waiver of rights** within that agreement (as described in questions 5 and 6). Do you understand that?

YES ☒ NO ☐

(37) Are you satisfied with your attorney's legal representation of you up until this point?

YES ☒ NO ☐

(38) Do you believe your attorney has done a good job?

YES ☒ NO ☐

(39) If you plead guilty based on your answers to questions 36 and 37, you **will not** have right to appeal, or collaterally attack, the question of whether you are guilty based on ineffective assistance of counsel. Do you understand that?

YES ☒ NO ☐

(40) If you plead guilty, you will be required to describe what you did that makes you guilty of the charge or charges against you. Therefore, you will be acknowledging your guilt and thus, you will be **giving up your right not to incriminate yourself**. Do you understand that?

YES ☒ NO ☐

(41) Are you willing to give up your right to a trial by a jury and all the other rights as described above?

YES ☒ NO ☐

(42) Describe, in your own words, what you did makes you guilty of the crime, or crimes, charged against you.

(Please print clearly and legibly.)

I, along with others, was involved in ~~various~~ ^{possession} ~~the possession~~ ^{of} ~~the possession~~ in the Eastern District of New York between the dates of June, 2023 and March, 2024

(43) Do you have any questions you would like to ask the judge about the crime, or crimes, to which you intend to plead guilty to, your rights, or anything else relating to this matter?

(If you select "Yes", the Court will address them in open court.)

YES _____ NO ✓

(44) Are you ready to enter your guilty plea?

(If you select "No", stop and contact the Court immediately.)

YES ✓ NO _____

(45) What is your plea to Count(s) 1 of the ☐ Superseding ☐ Information ☒ Indictment?

GUILTY ✓ NOT GUILTY _____ (If you selected "Not Guilty", stop and contact the Court immediately.)

(46) Are you making this plea of guilty voluntarily and of your own free will?

YES ✓ NO _____

(47) Has anyone threatened or forced you to plead guilty?

(If you select "Yes", the Court may inquire further in open court.)

YES _____ NO ✓

(48) Other than the agreement with the Government (as described in questions 5 and 6), has anyone made any promises to you that persuaded you or caused you to plead guilty?

(If you select "Yes", the Court may inquire further in open court.)

YES _____ NO ✓

(49) Has anyone made any promises to you as to what your sentence will be now that you plead guilty?

(If you select "Yes", the Court may inquire further in open court.)

YES _____ NO ✓

SIGNATURES:

TAMAR A. CHANDLER

(Defendant - Printed Name)

MICHAEL C. RICHMAN

(Defense Counsel - Printed Name)

ADAM R. TOPOROSKY

(AUSA - Printed Name)

[Signature]

(Defendant - Signature)

[Signature]

(Defense Counsel - Signature)

[Signature]

(AUSA - Signature)

06/23/2025

(Date)

06/23/2025

(Date)

6/23/25

(Date)

CONCLUSION BY THE COURT:

Based upon the information given to me, I find that: 1) the defendant is acting voluntarily, 2) the defendant fully understands his/her rights and the consequences of his/her guilty plea, and 3) there is a factual basis for the guilty plea. Therefore, I hereby ACCEPT the defendant's plea of GUILTY to Count(s) One of the ☐ Superseding ☐ Information ☒ Indictment.

SO ORDERED:

/s/ Joanna Seybert

Signature of Judge

Joanna Seybert, Senior U.S.D.J.

Name and Title of Judge

Dated: June 23, 2025
Central Islip, N.Y.